

Notice of Allowability

Application No.

10/696,983

Examiner

Timothy J. Kugel

Applicant(s)

WOODS, JOHN R.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment after non-final rejection filed 21 September 2006.
2. ☒ The allowed claim(s) is/are 28-36 and 55-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 28-36 and 55-67 are pending as amended on 21 September 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Applicant's amendment, filed 21 September 2006, with respect to deleting the limitations with parentheses, removing the indefinite term 'more controllable', clarifying the acronym VOC, and removing the Tradename WICHANOL has been fully considered and is corrective.

The rejection of claims 28-36 and 55-66 under 35 USC 112 2nd paragraph has been withdrawn.

Claim Rejections - 35 USC § 103

4. Applicant's amendment, filed 21 September 2006, with respect to requiring the suspending agent carbonal in each of the independent claims 28, 55, 56, 57 and 66 has been fully considered and overcomes the teachings of the prior art.

The rejection of claims 28, 32, 33, 35, 36, 55 and 56 under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,505,344 (Woods '344 hereinafter) in view of US Patent 4,472,201 (Ochi hereinafter) and US Patent 5,914,196 (Calvo hereinafter) has been withdrawn.

The rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Woods '344 in view of Ochi and Calvo in further view of US 4,450,253 (Suk hereinafter) has been withdrawn.

The rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Woods '344 in view of Ochi and Calvo in further view of US 5,500,456 (Hughett hereinafter) has been withdrawn.

The rejection of claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Woods '344 in view of Ochi and Calvo as applied to claims 28, 29, 32, 33, 35, 36, 55, and 56 described above in further view of US Patent 4,005,038 (Minkoff hereinafter) has been withdrawn.

Allowable Subject Matter

5. Claims 28-36 and 55-67 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJK
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SUPERVISORY PATENT EXAMINER
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